



## Children's Guardian Bill 2019 introduced in NSW Parliament

20 August 2019

The Children's Guardian Bill 2019 was introduced in NSW Parliament today, building on the NSW Government's response to the Royal Commission into Institutional Responses to Child Sexual Abuse.

Children will be better protected by legislation introduced in Parliament today, said Minister for Families, Communities and Disability Services, Gareth Ward.

"The Children's Guardian Bill 2019 will strengthen the independent regulator and help build more accountable, child safe organisations," he said.

The Office of the Children's Guardian is an independent statutory

authority in NSW that works to protect children and young people by promoting and regulating quality, child safe organisations and services.

- Read Minister Ward's media release ( 214KB)
- Read Minister Ward's speech in parliament

## Main changes contained in the Bill

1. Consolidate the powers and functions of the Children's Guardian into one Act (this includes the Children's Guardian's powers in relation to out-of-home care, adoption, children's employment, reportable conduct, and official community visitors)
2. Transfer the following functions from the Ombudsman to the Children's Guardian:
  - Oversight of the Official Community Visitors scheme relating to children — This scheme enables independent appointees to visit and report on out-of-home care services for children
  - The reportable conduct scheme — The scheme to report, monitor and investigate allegations of reportable conduct (including sexual misconduct, ill-treatment, and neglect) towards children in certain government and non-government organisations
3. Strengthen the reportable conduct scheme to cover the outside-work conduct of employees of public authorities, such as local councils, who hold, or are required to hold, a Working With Children Check; impose a statutory obligation on organisations to investigate allegations of reportable conduct; prescribe a notification time-frame of 7 days and 30 days; enable administrative review of Children's Guardian-initiated investigation decisions by the NSW Civil and Administrative

Tribunal; and clarify the definition of reportable conduct.

4. Continue the NSW's Government's implementation of recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse:

- Strengthen the reportable conduct scheme, including extension of the scheme to religious bodies and contractors or subcontractors who hold, or are required to hold, a Working With Children Check
- Provide additional protections for mandatory reporters who make a report to the Department in good faith that a child is at risk of significant harm
- Create the legislative lever for the establishment of a Residential Care Workers Register which will provide a mechanism for out-of-home residential care providers to exchange information about the safety and suitability of residential care workers, prior to making a decision whether to engage a person.